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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICIA PINHEIRO,

Defendant.

No. CR 3 - 05 - 71011 EDL

[PROPOSED] SPEEDY TRIAL ORDER

WHEREAS, PATRICIA PINHEIRO ("Pinheiro") is charged in a criminal complaint with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection Service;

WHEREAS, Pinheiro made her initial appearance on the aforesaid criminal complaint, before the Honorable Maria-Elena James, on February 13, 2006, and was released on a bond;

WHEREAS, the parties previously entered into a stipulation and order waiving time under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through May 12, 2006, in order to provide for effective preparation of counsel;

SPEEDY TRIAL ORDER
[CR 3 05 71011 EDL]

FILED

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RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WHEREAS, government counsel will be out of the office on extended family medical leave through mid-June 2006;

WHEREAS, the government is agreeable to delaying indictment in order to provide Pinheiro and her attorney the opportunity to review discovery, and where, since arrest preceded indictment in this matter, it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), and further where it is in the defendant's best interest to waive time under both Rule 5.1 to allow time for a resolution and disposition short of indictment for a further six (6) weeks, through Friday, June 30, 2006;

THEREFORE, the parties agree and stipulate as follows:

1. Pinheiro hereby again waives her right to have a preliminary hearing conducted within 20 days of her initial appearance while out of custody, pursuant to Rule 5.1(c)-(d) of the Federal Rules of Criminal Procedure, taking into account the public's interest in the prompt disposition of criminal cases and for good cause shown;
2. Pinheiro hereby again waives her right to have all of the charges contained in the criminal complaint on which she made her initial appearance on February 13, 2006, indicted within thirty days of her initial appearance, which including prior exclusions of time, would be May 12, 2006, as required by 18 U.S.C. § 3161(b);
3. The government and Pinheiro hereby agree that any indictment by the government, as to charges contained in the criminal complaint, must be filed no later than **June 30, 2006**, pursuant to section 3161(h)(8)(B)(iii);
4. The government and Pinheiro hereby mutually agree that any preliminary hearing and/or arraignment be held no later than **June 30, 2006**;

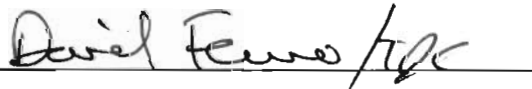
The undersigned parties, by and through their counsel, hereby agree and stipulate that this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section 3161(b) of the Speedy Trial Act shall remain in place until June 30, 2006, because this is a case in which arrest preceded indictment, such that delay in the filing of the indictment is caused because the arrest occurred at time that is unreasonable to expect return and filing of the

indictment as to all of the charges contained in the criminal complaint, within the period specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

Moreover, in light of defense counsel's ongoing efforts to review discovery provided by the government and the parties' mutual efforts to resolve this matter short of the necessity for indictment and trial, such that good cause has been shown to continue the date for defendant's preliminary hearing taking into account the public's interest in the prompt disposition of criminal cases, pursuant to F. R. Cr. P. Rule 5.1(d), and further, because this waiver of time will ensure effective preparation of counsel taking into account the exercise of due diligence, such that the ends of justice are served by granting this continuance outweighs the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

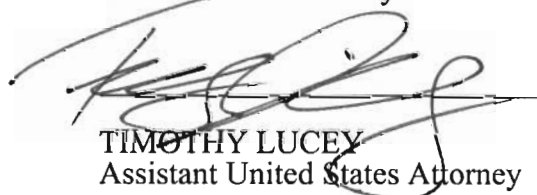
IT IS SO STIPULATED.

BARRY J. PORTMAN
Federal Public Defender



AFPD DAVID FERMINO
for Defendant Patricia Pinheiro

KEVIN V. RYAN
United States Attorney


TIMOTHY LUCEY
Assistant United States Attorney

IT IS SO ORDERED.

Dated: 5/15/06


HON. ELIZABETH D. LAPORTE
United States Magistrate